

MINUTES
OF
THE UTAH RADIATION CONTROL BOARD
August 5, 2005
Department of Environmental Quality (Bldg. #2)
Conference Room 101
168 North 1950 West
Salt Lake City, Utah 84114-4250

BOARD MEMBERS PRESENT

Karen S. Langley, M.S., Chair,
Stephen T. Nelson, Ph.D., Vice Chair,
Dianne R. Nielson, Ph.D., Director of DEQ
Dane Finerfrock, Executive Secretary
Kent J. Bradford, P.G.
Rod O. Julander, Ph.D.
Joseph K. Miner, M.D.
Robert S. Pattison, B.S.
John W. Thomson, M.D.

PUBLIC

Robert (Bob) Baird, URS Corporation
Judy Fayes, Salt Lake Tribune
David C. Frydenlund, IUC (USA)
Tye Rogers, Envirocare of Utah, LLC
Vern Rogers, URS
Daniel Shrum, Envirocare of Utah, LLC

BOARD MEMBERS ABSENT/EXCUSED

Keith C. Barnes, J.D.
Linda M. Kruse, M.S.
Joette Langianese, Commissioner
Gregory G. Oman, D.D.S., B.S.
Dan L. Perry, B.S.

**DRC STAFF/OTHER DEQ MEMBERS
PRESENT**

Brent Christensen, DRC Staff
Craig Jones, DRC Staff
John Hultquist, DRC Staff
Fred Nelson, Attorney for DEQ
Yoli Shropshire, DRC Staff

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in DEQ Building #2, Room 101, 168 North 1950 West, Salt Lake City, Utah. Karen S. Langley, Chair, called the meeting to order at 2:00 p.m. She welcomed the Board Members and the public. Karen Langley indicated that if the public wished to address any items on the agenda, they should sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

I. APPROVAL OF MINUTES (Board Action Item)

a. Approval of June 6, 2005, Minutes

Karen S. Langley, Chair, asked the Board Members if they had any corrections to the minutes of January 7, 2005. John W. Thomson, M.D. proposed the following changes to the Minutes.

1. Correction to the first page under the subtitle "Board Members Present," **John W. Thompson, M.D. was absent and did not attend the DRC Board on June 3, 2005.**

MOTION MADE BY JOHN W. THOMPSON, TO APPROVE THE MINUTES WITH CORRECTIONS, SECONDED BY ROD O. JULANDER.

MOTION CARRIED AND PASSED UNANIMOUSLY

II. RULES

a. Changes to R313-16, Registration Requirements for Qualified Experts - Craig Jones

Craig Jones, Program Manager, informed the Board the action item involved some proposed changes to R313-16. He said the proposed changes dealt with the process for individuals to submit applications for performing X-ray inspection services for the State.

Craig said that at the May 6, 2005, Board meeting, information was provided regarding the rules that affect Qualified Experts. Changes were proposed to Sections R313-16-293 and R313-16-296. The changes addressed the Board's observation that renewal of a registration certificate "as a Qualified Expert" was more rigorous than obtaining the initial certificate.

The Board approved the filing of the proposed changes with the Division of Administrative Rules. Summaries of the changes were published in the July 1, 2005, edition of the Utah State Digest. A public-notice announcing the start of a 30-day, public-comment period was published on July 1,

2005, in the Salt Lake Tribune and the Deseret Morning News. During the public comment period, no oral or written comments were submitted to the Executive Secretary.

RECOMMENDATIONS:

The Executive Secretary recommended that the Board approve the proposed changes to the Utah Radiation Control Rules and establish August 12, 2005, as the effective date.

MOTION MADE BY KENT J. BRADFORD TO APPROVE THE CHANGES TO THE UTAH RADIATION CONTROL RULES AND TO ESTABLISH AUGUST 12, 2005, AS THE EFFECTIVE DATE, SECONDED BY ROD O. JULANDER.

MOTION CARRIED AND PASSED UNANIMOUSLY

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION

No Items

IV. X-RAY REGISTRATION/INSPECTION

No Items

V. RADIOACTIVE WASTE DISPOSAL (Board Information Item)

a. Public Comment Period for Amendment to Include Section 29 into Envirocare's License – John Hultquist

John Hultquist, Section Manager for DRC, informed the Board Members the Utah Department of Environmental Quality, Division of Radiation Control (DRC) had initiated a public comment period. The Division solicited public comment regarding Envirocare's "amendment request" to expand its current operations being conducted in Section 32 (excluding the management of uranium mill tailings 11e(2) material). Envirocare is proposing to expand into approximately 536 acres in section 29, Township 1 South, Range 11 West, which is contiguous to Section 32.

A thirty-day public comment period commenced on July 18, 2005, by publication of this notice in the Salt Lake Tribune, the Deseret News, and the Tooele County Transcript-Bulletin. In addition, the public notice was sent out to individuals who currently subscribe to the Division of Radiation Control's Listserv.

A public hearing has been scheduled for Tuesday, August 9, 2005, 7 PM, at the Department of Environmental Quality, 168 North 1950 West, Room 101. Written comments will be accepted until the close of business on August 18, 2005. Comments may be directed to the Executive Secretary or by email to dfinerfrock@utah.gov. All comments received within the 30-day comment period will be considered when making a final decision regarding Envirocare's proposed License Amendment.

A Draft License Amendment with Statement of Basis describing the license change will be available for review and/or copying between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the address listed below. In addition, the Statement of Basis is available on the Division website at: <http://www.radiationcontrol.utah.gov/>.

John Hultquist said that he had received written public-comments by e-mail regarding the expansion proposal.

a. Public Comment on the Generator Site Access Permit Program Enforcement Policy (R313-26) – John Hultquist

John Hultquist, Section Manager for DRC, informed the Board Members the Division of Radiation Control (DRC) conducted a 30-day public comment period from June 29, 2005, to July 29, 2005, to allow for interested parties to review and submit comments on any or all of the requirements or changes to the recently-revised Generator Site Access (GSA) Enforcement Policy and Point Value Assessment Table for Frequently Cited Violations.

All active GSA permit-holders received a letter that requested comments on the "proposed change" to the GSA Permit Program Enforcement Policy. The draft-policy was also posted on DRC's web site. In addition, the public notice was sent-out to individuals who currently subscribe to the Division of Radiation Control's Listserv.

The Division of Radiation Control conducted a public-comment period from June 29, 2005, through July 29, 2005. The DRC received two comments from generators regarding the Draft Enforcement Policy. The DRC is currently addressing those comments. After the DRC has responded to the comments, the enforcement policy will become effective.

One comment requested clarification regarding the word "carrier" in the following statement: "failure to register as a Carrier or Shipper of Hazardous Materials with the State of Utah GSA program" (believes the intent was meant to be generator or shipper). The remaining comments were in regards to: electronic submittal of manifests; clarification on

"point assessment" per manifest, per package, or per isotope; and clarification on the term package breach.

The Executive Secretary will respond in writing to the comments, and in the near future, he will make the March 31, 2005, Generator Site Access Permit Enforcement Policy effective.

Purpose of the GSA Program:

The Generator Site Access Program provides established procedures, criteria, terms, and conditions, upon which the Executive Secretary issues permits to generators to access disposal facilities located within the State of Utah (Envirocare of Utah Inc.). This rule also contains requirements for shippers.

Purpose of the GSA Enforcement Policy:

The GSAPP Enforcement Policy supports the DRC's overall "safety mission" in protecting the public and the environment from undue hazards and their associated risks. Furthermore, the Enforcement Policy is applied through the "uniform application" of enforcement-actions as they pertain to radioactive materials being transported. As part of the enforcement policy, a Point Value Assessment Table (Appendix A) has been constructed—it assesses points regarding certain infractions. The table and the infractions are based on Federal Assessment Considerations and imminent hazards.

VI. URANIUM MILL TAILINGS UPDATE (Board Information item)

**a. Meeting with NRC staff on August 10 and August 11, 2005:
Periodic Review of Materials Program Including the Uranium Mill
Tailings Program – Dane L. Finerfrock**

Dane L. Finerfrock, Executive Secretary, informed the Board that two people were coming from the U.S. Nuclear Regulatory Commission (NRC) headquarters, and additional people were coming from the Technical Nuclear Office. Dane said the NRC would be reviewing the DRC's Radioactive Materials Program in-between "Nature Reviews." Dane explained what "Nature Reviews" were to the Board. He said "Nature Reviews" were known as "PDF Reviews." Dane said the NRC periodically reviews state programs: this type of review by the NRC is known as a "Periodic Review."

Dane explained the current "Periodic Review" would be more significant to the DRC and the State of Utah. In NRC's "Periodic Review," the NRC will be looking at the process DRC has implemented for the Uranium Mill Tailings Licensing and Compliance Program. On the second day of

NRC's review, DRC Staff will be escorting NRC's "review staff" to Envirocare. The NRC's "review staff" want to see the Envirocare facility-- a number of NRC's staff have never been to Envirocare and observed Envirocare's facility.

Board Member Questions:

Dianne R. Nielson, DEQ Department Director, asked what the time frame of NRC's review would be and when NRC's "review comments" would be expected.

Dane L. Finerfrock said that he did not know what NRC's time frame would be for the completion of the audit. Dane asked Craig Jones, DRC Section Manager, to respond to Dianne's question.

Craig Jones, Section Manager, responded to Dianne Nielson. He said NRC staff would write a "Letter of Findings," and submit it to NRC's Management Review Board. After the letter's submittal, the Management Review Board would schedule a meeting. DRC Staff would be invited to participate, and will be involved in the "Final Summary Findings" prepared for the Management Staff of the NRC. In terms of comparing it to a "more traditional program review," Craig estimated it would be about 60-days from the completion of the audit, until the Management Board Findings would be completed and returned to DEQ.

VII. OTHER DIVISION ISSUES (Board Information items)

a. Radon and Real Estate Training Seminars – John Hultquist

John Hultquist, Section Manager, informed the Board this year the DRC had scheduled training seminars on September 13-14, 2005. The seminar is the annual "Real-Estate Training Course." John explained the instructor would be from Colorado and two four-hour, Continuing Education Courses would be held one in Salt Lake City, and another course held in Utah County at the Local Health District in Provo, Utah. Brochures will be sent to 20,000 real-estate agencies across Utah. DRC expects a good response and excellent attendance for the "two scheduled trainings."

Radon and Real Estate Training Seminars:

- (1) September 13, 2005 – DEQ Bldg #2, Conf Room 101, 169 N 1950 W, Salt Lake City, UT 84114, 1:00 p.m. to 5:00 p.m.
- (2) September 14, 2005 – Utah County Health & Justice Bldg, 151 S University Avenue, RM 1600, Provo, UT 84601, 8:00 a.m. to 12:00 p.m.

b. Update on ListServe: Subscription Internet Notification of Division Activities – Craig Jones

Craig Jones told the Board that an electronic notification system, called a ListServer, had been available since June 24, 2005. On this day, the DRC sent its first message to members of the ListServer that a public comment period was opening for a corrective action plan. The corrective action plan dealt with the Envirocare of Utah's groundwater permit. Craig reported that since June 24, 2005, three other notices have been distributed to the members of the ListServer, and he noted there were currently 22 members, a small number. He said that DRC would like to see more people participate.

Craig Jones mentioned that a few Board Members have signed-up, and he asked those in attendance to give feedback on what works and what does not work. Craig said that he was looking for improvement opportunities. He said the process to sign up and apply for ListServe was easy, and the place to begin was the Department of Environmental Quality's website: www.deq.utah.gov. He then explained how to find the page for signing up, and how to confirm the desire to join the list.

IX. OTHER ISSUES

Next Board Meeting: September 9, 2005, it will be held at the Department of Health in the Cannon Health Bldg., Room 101, 288 N 1460 W, Salt Lake City, Utah 84114 from 2:00 – 4:00 P.M.

The Board Meeting adjourned at 3:00 P.M.